

REMARKS

The Office Action has required restriction, under 35 U.S.C. § 121, to one of the following groups: Group I that includes claims 1, 2, 7-13, and 38 allegedly drawn to processing a search query, classified in class 707, subclass 3; Group II that includes claims 27-36 allegedly drawn to rewriting a query, classified in class 707, subclass 5; Group III that includes claims 37 and 41 allegedly drawn to generating variations of an entity name, classified in class 707, subclass 5; and Group IV that includes claims 39 and 40 allegedly drawn to a method of restricting a search query, classified in class 707, subclass 5. The Office Action identified Groups I-IV as subcombinations usable together in a single combination. The Office Action required election of a single Group.

Applicant traverses the restriction requirement. Applicant, nevertheless, elects Group I, which includes claims 1, 2, 7-13, and 38. For the reasons given below, Applicant submits that Group IV, which includes claims 39 and 40, should be included in Group I.

Under M.P.E.P. § 806.05(d), two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants. As further set forth in M.P.E.P. § 806.05(d), the Examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination. The burden is on the Examiner to suggest an example of separate utility.

Applicant respectfully submits that the Examiner has not satisfied this burden. Instead, the Examiner merely alleged that "subcombination I could be used with any of groups II, III, IV, any combination of groups II, III, and IV, or any unclaimed method of

rewriting a query" (Restriction Requirement, page 2). Applicant submits that the Examiner's allegation falls short of establishing a proper restriction requirement. The Examiner has made a broad allegation of intended use but has not provided any example of separate utility, as required by M.P.E.P. § 806.05(d).

Further, M.P.E.P. § 806.05(d) states that restriction is only proper when there would be a serious burden if restriction were not required, as evidenced by separate classification, status, or field of search. The Examiner has not provided any evidence of serious burden. The Examiner alleged that "there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification" (Restriction Requirement, page 3). Applicant submits that the Examiner's allegation lacks merit. The Examiner has admitted that Groups II-IV are all classified in class 707, subclass 5. Thus, the Examiner's has provided no evidence of serious burden.

The Examiner also appears to allege that there are patentably distinct species, namely Groups II, III, and IV (Restriction Requirement, page 3). Applicant submits that the Examiner has not met the requisite burden for establishing a proper restriction requirement based on species. As noted in M.P.E.P. § 806.04(e), claims are definitions of inventions, and are never species. Species are always the specifically different embodiments of the invention. M.P.E.P. § 806.04(e). The Examiner has not identified any portion of the specification or drawings that allegedly correspond to different species. Instead, the Examiner simply lists Groups II-IV. However, as already noted, claims are never species and the Examiner's apparent designation of these claims as species is improper.

In view of the foregoing, Applicant submits that the Examiner has not met the requisite burden for establishing a proper restriction requirement. In the event that the Examiner maintains the restriction requirement, Applicant submits that Group IV should be included with Group I. Claims of both Groups I and IV are directed to rewriting a received search query and performing a search based on the rewritten search query. Therefore, claims of Groups I and IV should be grouped together.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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